



Attorney Docket: 200208236-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: April 22, 2004

B. Shen et al.

Serial No.: 10/687,997

Group Art Unit: To Be Assigned

Filed: October 17, 2003

Examiner: To Be Assigned

For: SHARED RUNNING-BUFFER-BASED CACHING SYSTEM

Box: DAC

Assistant Commissioner of Patents
Washington, D.C. 20231PETITION UNDER 37 C.F.R. 1.47
INVENTOR REFUSES TO SIGN

Sir:

Applicant submits this Petition under 37 CFR 1.47(a) for the following reasons:

Applicant submits herewith a declaration and power of attorney listing Songqing Chen, Bo Shen, Sujoy Basu and Yon Yan as coinventors. The declaration is executed by inventors Chen, Basu and Shen. Co-inventor, Yong Yan has refused execution of the declaration required by 37 CFR 1.63.

In accordance with 37 CFR 1.47, this Petition is accompanied by the following:

1. Declaration of the Attorney of Record attesting to the pertinent facts surrounding the inventor's refusal to sign and Exhibits A-I as proof of diligent effort to contact co-inventor, Yong Yan.
2. The Inventor's last known address.

RECEIVED
DEC 22 2004
OIP/ JCWS

Attorney Docket: 2460P

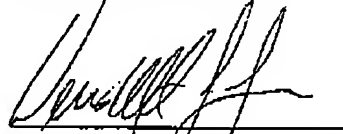
The name and last known residence address of the non-signing inventor is:

Yong Yan
34077 Paseo Padre Parkway #6
Fremont, CA 94555

As all requirements of 37 CFR 1.47 have been met, Applicant respectfully requests
granting of this petition and further processing of the Declaration submitted herewith.

The Commissioner is hereby authorized to charge any fees associated with this
communication, or credit any overpayment, to Deposit Account No. 08-2025 (Hewlett-Packard).

Respectfully submitted,



Wendell J. Jones
Attorney for Applicant
Reg. No. 45,961
(408) 938-0980

April 22, 2004
Date

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For: SHARED RUNNING-BUFFER-BASED CACHING SYSTEM

Box: DACAssistant Commissioner of Patents
Washington, D.C. 20231**DECLARATION UNDER 37 C.F.R. 1.47**
PROOF OF INVENTOR REFUSAL TO SIGN

Sir:

Yong Yan is a joint inventor of the present application, along with Songqing Chen, Bo Shen and Sujoy Basu.

On information and belief, before the filing of the present application, Yong Yan was terminated from his employment with Hewlett-Packard Corporation, the assignee of the present application, on June 10, 2003. Nevertheless, Mr. Yan is required per his employment agreement to sign any formal documents related to any and all pending patent applications. Attached Exhibit A is a copy of Mr. Yan's employment agreement.

On November 8, 2003, an email was sent to Mr. Yan requesting that he come in and sign the formal documents related to the above-referenced patent application. On or about November 11, 2003, a copy of the final draft of the present application, including specification, claims and drawings, and formal papers for the present application, as well

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as a cover letter was sent to Mr. Yan by Tiffany Turner, my legal assistant. Attached Exhibit B is a copy of the email message.

On December 5, 2003, an email was received by Mr. Yan specifying that he would come in and sign the formal documents on Monday December 8, 2003. Attached Exhibit C is a copy of the email message.

On December 29, 2003, a criminal complaint for arrest warrant was filed in Santa Clara County against Mr. Yan alleging that on or about December 12, 2003 in the County of Santa Clara, the crime of CONTEMPT OF COURT was committed by Mr. Yan by willfully disobeying the terms of a court order requiring him to stay away from the property of Hewlett-Packard. Attached Exhibit D is a copy of the criminal complaint and the associated police/incident reports.

On January 12, 2004, an email was sent to Mr. Yan requesting that he come in and sign the formal documents related to the above-referenced patent application. Attached Exhibit E is a copy of the email message.

On February 5, 2004, an email was sent to Mr. Yan requesting that he come in and sign the formal documents related to the above-referenced patent application. Attached Exhibit F is a copy of the email message.

On or about February 20, 2004, a second copy of the final draft of the present application, including specification, claims and drawings, and formal papers for the present application, as well as a cover letter was sent to Mr. Yan by Tiffany Turner, my legal assistant. Attached as Exhibit G is a copy of the cover letter, a copy of the Federal Express Airbill and a copy of the delivery confirmation from Federal Express.

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On April 8, 2004, an email was sent to Mr. Yan informing him that formal documents requiring his signature were being mailed to his home address along with a self-addressed stamped envelope. Attached Exhibit H is a copy of the email message.

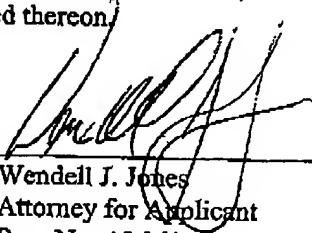
On or about April 9, 2004, a third copy of the final draft of the present application, including specification, claims and drawings, and formal papers for the present application, as well as a cover letter was sent to Mr. Yan by Tiffany Turner, my legal assistant. Attached as Exhibit I is a copy of the cover letter and a copy of the certified mailing label.

As of April 21, 2004, I had not yet received signed formal papers from Mr. Yan.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

April 22, 2004

Date



Wendell J. Jones
Attorney for Applicant
Reg. No. 45,961
(408) 938-0980



Agreement Regarding Confidential Information and Proprietary Developments

Name: YONG YAN
(Type or Print)



INDEX 10

1. I am employed or desire to be employed by Hewlett-Packard Company (HP). I understand, however, that this Agreement is not a promise or a contract for employment by HP.
2. This Agreement concerns trade secrets, confidential business and technical information, and know-how not generally known to the public, (hereinafter "Confidential Information"), which is acquired or produced by me in connection with my employment by HP. Confidential Information may include, without limitation, information on HP organizations, staffing, finance, information of employee performance, compensation of others, research and development, manufacturing and marketing, as well as information which HP receives from others under an obligation of confidentiality. I agree:
 - a. to use such information only in the performance of HP duties;
 - b. to hold such information in confidence and trust; and
 - c. to use all reasonable precautions to assure that such information is not disclosed to unauthorized persons or used in an unauthorized manner, both during and after my employment with HP.
3. This Agreement also concerns inventions and discoveries (whether or not patentable), designs, works of authorship, mask works, improvements, data, processes, computer programs and software (hereinafter called "Proprietary Developments") that are conceived or made by me alone or with others while I am employed by HP and that relate to the research and development or the business of HP, or that result from work performed by me for HP. Such Proprietary Developments are the sole property of HP, and I agree:
 - a. to disclose them promptly to HP;
 - b. to assign them to HP; and
 - c. to execute all documents and cooperate with HP in all necessary activities to obtain patent, copyright, mask works and/or trade secret protection in all countries, at HP's expense.

In compliance with prevailing provisions of relevant state statutes,¹ this Agreement does not apply to an invention for which no equipment, supplies, facility, or trade secret information of the employer was used and which was developed entirely on the employee's own time, unless (a) the invention relates (i) to the business of the employer, or (ii) to the employers actual or demonstrably anticipated research or development, or (b) the invention results from any work performed by the employee for the employer.

4. I agree to honor any valid disclosure or use restrictions on Confidential Information known to me and received from any former employers or any other parties prior to my employment by HP, and I agree not to bring onto the premises of HP any such information in whatever physical form without prior written consent of such former employers or other parties.
5. The product of all work performed by me during and within the scope of my HP employment including, without limitation, any reports, documents, drawings, computer programs, devices and models, will be the property of HP; and HP will have the sole right to use, sell, license, publish or otherwise disseminate or transfer rights in such a work product.
6. I will not remove any HP property from HP premises without HP's permission.
7. I agree not to disrupt, damage or interfere with the operation or business of HP by soliciting or recruiting its employees for myself or others, both during my employment at HP and for a period of two years following termination of my employment with HP.
8. Upon termination of my employment with HP, I will return all HP property to HP unless HP's written permission to keep it is obtained.
9. The provisions of this Agreement will be separately construed. If any of them is held to be unenforceable, the remaining provisions will not be affected.

[Signature]
Signature
2/3/99
Date

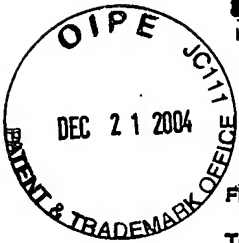
¹Including: California Labor Code, Section 2870; Illinois 765ILCS1060/1-3, "Employees Patent Act"; Washington Rev. Code, Title 49 RCW: Labor Regulations, Chapter 49.44.140; Minnesota Statutes, 15A, Section 181.78; and North Carolina General Statutes, Article 10A, Chapter 66, Commerce and Business, Section 66-57.1.

Exhibit A

08/16/03 18:02 FAX 650 857 5049

HP LABS HR DEPT.

002



NEW-DOC

From: Patrick Scaglia
To: Yong Yan
(Employee No.: 547581)

Date: June 10, 2003
Subject: Employment Termination

cc: Dick Lampman
Fred Kitson
Sharon Connor
Personnel File
Carol Shimada

This memo informs you that your employment with Hewlett-Packard has been terminated effective Tuesday, June 10. The basis for this decision is our judgment that you violated HP's misconduct policy specifically as it relates to your insubordination, and demonstrated by your refusal to comply with the request of your manager to discuss performance related issues in the context of the probation letter sent to you by Fred Kitson on Monday, June 2.

Hewlett-Packard shall have the discretion to limit future access to all HP sites.

You will receive, shortly, information regarding your benefits. Should you have any questions in the interim, please contact the HP Benefits Center at 1-800-890-3100.

Patrick Scaglia
Vice President & General Director

6/10/03
Date

Fred Kitson
Director

6/10/03
Date

Raj Kumar
Project Manager

6/10/03
Date

Sent: Saturday, November 08, 2003 3:57 PM
To: yong-yan@comcast.net
Cc: Turner, Tiffany
Subject: Signature required



Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged
Hello Mr Yan,

I have recently filed HP application entitled "Shared Running-Buffer-Based Caching System", in which you are a co-inventor. Both the Declaration and Power of Attorney were both filed unexecuted and now require your signature.

Please let me know what method of delivery you require (ie, first class mail with prepaid envelope enclosed, fed-ex delivery with prepaid enclosed, etc) and I will be happy to comply with your request.

Thanks in advance for your assistance.

*Regards,
Tiffany*

*Tiffany Turner
Legal Administrator
Corporate Legal Department
Intellectual Property Section
Hewlett-Packard Company
650 857 8288 (Phone)
650 852 8063 (Fax)*

"Yesterday's the past, tomorrow's the future. Today's a gift, that's why we call it the present."

[x]

Exhibit B

Wendell J. Jones

From: Yong Yan [yong-yan@comcast.net]
Sent: Friday, December 05, 2003 12:29 PM
To: Turner, Tiffany Joyce
Subject: RE: Signature required



Hi, Tiffany,

I can come in next Monday. Please let me know which building you are in and what is the best time for you.

Happy Holidays!

Thanks!

Yong

-----Original Message-----

From: TURNER, TIFFANY (HP-PaloAlto,ex1) [mailto:tiffany.turner@hp.com]
Sent: Friday, December 05, 2003 10:16 AM
To: Yong Yan
Subject: RE: Signature required
Importance: High

Hello Yong,

HAPPY HOLIDAYS!

Please let me know when you are available to meet here at HP to sign the documents as previously discussed.

Thank you for your time and I look forward to meeting you.

Regards,
Tiffany

Tiffany Turner
Legal Administrator
Corporate Legal Department
Intellectual Property Section
Hewlett-Packard Company
650 857 5288 (Phone)
650 352 8063 (Fax)

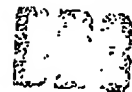
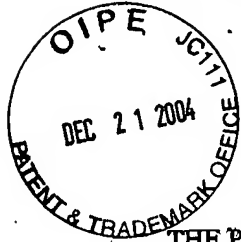
"Yesterday's the past, tomorrow's the future. Today's a gift, that's why we call it the present."



Exhibit C

12000004

UPRIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
PALO ALTO FACILITY
COMPLAINT FOR ARREST WARRANT(S)
YONG YAN DTL522



04.55

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

MISDEMEANOR COMPLAINT

DA NO: 031234313

CEN

* YY WARRANT

vs.

YONG YAN (11/20/1963),
34077 PASEO PADRE PARKWAY #69,
FREMONT, CA 94555

Defendant(s)

**Endorsed
FILED**
DEC 29 2003

The undersigned is informed and believes that:

KIRI TORRE
Deputy District Attorney
Santa Clara County
REBUTZ

COUNT 1

On or about December 12, 2003, in the County of Santa Clara, State of California, the crime of CONTEMPT OF COURT- WILLFULLY DISOBEDIENCE OF THE TERMS OF ANY PROCESS AND LAWFUL COURT ORDER, in violation of PENAL CODE SECTION 166(a)(4), a Misdemeanor, was committed by YONG YAN who did willfully disobey the terms as written of a process and court order and out-of-state court order, lawfully issued by a court, including orders pending trial, stay away from property of Hewlett Packard.

DISCOVERY REQUEST

Pursuant to Penal Code sections 1054 through 1054.7, the People request that, within 15 days, the defendant and/or his/her attorney disclose: (A) The names and addresses of persons, other than the defendant, he/she intends to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements of those persons, including any reports or statements of experts made in connection with the case, and including the results of physical or mental examinations, scientific tests, experiments, or comparisons which the defendant intends to offer in evidence at the trial; (B) Any real evidence which the defendant intends to offer in evidence at the trial. This request is a continuing request, to cover not only all such material currently in existence, but all material which comes into existence to the conclusion of this case.

Page 1

FILED

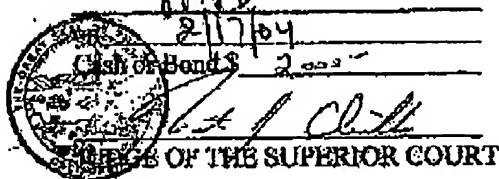
Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant YONG YAN, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

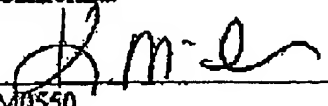
Complainant therefore requests that the defendant(s) be dealt with according to law.

I certify under penalty of perjury that the above is true and correct.

Executed on December 23, 2003, in SANTA CLARA County, California.

Warrant received for service by:




McAdams M0550
(Sumner S0130)
PAPD (650) 329-2406 033510097 ***
FRAZIER/ D471/ MISDEMEANOR/rc



PALO ALTO POLICE DEPARTMENT
275 FORTY AVENUE
PALO ALTO, CA. 94301
(415) 329-2406

☐ INJURY
☐ BOOKING
☐ CITE & RELEASE

CASE NUMBER
C 3351 C097

REPORT TYPE / CLASSIFICATION
PRINC CODE / TRANS POS
LOCATION OF EVENT

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	A. <input type="checkbox"/> FIREARM	E. <input type="checkbox"/> OTHER:	
OCURRED	DATE	TIME	DAY
ON OR FROM	12-12-03	0525	POZ
TO	12-12-03	0750	PPF
REPORTED	12-17-03	1515	WED

Old Rec-
ommends
☐ FSO/FU
☐ ISO/FU
☒ Inactive
Supervisor
Review
☐ Concur

"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER									
LAST, FIRST, MIDDLE (PRINT BUSINESS) STATE OF CA RACE SEX DOB AGE HT WT									

K BELACKY, STAVE
 VICTIM ADVISED ☐ SEXUAL ASSAULT ☐ VICAMT ASSIS I. ☐ DOMESTIC VIOLENCE ☐
 ADDRESS _____ CITY/STATE _____ ZIP _____ PHONE _____
 INTERPRETER NEEDED: ☐ SPANISH ☐ OTHER _____
☐ VIETNAMESE
 DL NUMBER _____ STATE _____

BUSINESS SCHOOL ADDRESS _____ CITY/STATE _____ ZIP _____ PHONE _____ SIGN _____

☐ FSD/FU
☐ LSD/FU

VICTIM INFORMATION		<input type="checkbox"/> NON DISCLOSURE (WHEN APPLICABLE)		<input type="checkbox"/> INJURY		<input type="checkbox"/> SWEAT		<input type="checkbox"/> BLOOD		<input type="checkbox"/> URINE		<input type="checkbox"/> PHOTOGRAPH	
LAST, FIRST, MIDDLE (FULL IF BUSINESS)				RACE		SEX		DOB		AGE		HT WT	

u. LYON, CLAY

VICTIM ADVISED. ☐ SEXUAL ASSAULT ☐ VICTIM ASSIST. ☐ DOMESTIC VIOLENCE ☐

ADDRESS _____ CITY/STATE _____ ZIP _____

INTERPRETER NEEDED. ☐ SPANISH ☐ OTHER ☐
☐ VIETNAMESE

BUSINESS / SCHOOL ADDRESS		CITY/STATE	ZIP	PHONE	ISSN	STATE
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NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		SEX	RACE	RELIGION	EDUCATION	STATUS	DATE OF DEATH	PLACE OF DEATH	CAUSE OF DEATH	MODE OF DEATH	INVESTIGATOR	REPORTING OFFICER	DATE OF REPORT	TIME OF REPORT	REPORTING AGENCY	REPORTING OFFICER'S SIGNATURE	REPORTING OFFICER'S TITLE	REPORTING OFFICER'S ADDRESS	REPORTING OFFICER'S PHONE NUMBER	REPORTING OFFICER'S FAX NUMBER	REPORTING OFFICER'S E-MAIL ADDRESS	REPORTING OFFICER'S BUSINESS CARD	REPORTING OFFICER'S PHOTOGRAPH	REPORTING OFFICER'S FINGERPRINTS	REPORTING OFFICER'S SIGNATURE	REPORTING OFFICER'S TITLE	REPORTING OFFICER'S ADDRESS	REPORTING OFFICER'S PHONE NUMBER	REPORTING OFFICER'S FAX NUMBER	REPORTING OFFICER'S E-MAIL ADDRESS	REPORTING OFFICER'S BUSINESS CARD	REPORTING OFFICER'S PHOTOGRAPH	REPORTING OFFICER'S FINGERPRINTS
NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH		SEX	RACE	RELIGION	EDUCATION	STATUS	DATE OF DEATH	PLACE OF DEATH	CAUSE OF DEATH	MODE OF DEATH	INVESTIGATOR	REPORTING OFFICER	DATE OF REPORT	TIME OF REPORT	REPORTING AGENCY	REPORTING OFFICER'S SIGNATURE	REPORTING OFFICER'S TITLE	REPORTING OFFICER'S ADDRESS	REPORTING OFFICER'S PHONE NUMBER	REPORTING OFFICER'S FAX NUMBER	REPORTING OFFICER'S E-MAIL ADDRESS	REPORTING OFFICER'S BUSINESS CARD	REPORTING OFFICER'S PHOTOGRAPH	REPORTING OFFICER'S FINGERPRINTS	REPORTING OFFICER'S SIGNATURE	REPORTING OFFICER'S TITLE	REPORTING OFFICER'S ADDRESS	REPORTING OFFICER'S PHONE NUMBER	REPORTING OFFICER'S FAX NUMBER	REPORTING OFFICER'S E-MAIL ADDRESS	REPORTING OFFICER'S BUSINESS CARD	REPORTING OFFICER'S PHOTOGRAPH	REPORTING OFFICER'S FINGERPRINTS

VICTIM VEHICLE WAS: ☐ STOLEN ☐ IMPOUNDED ☐ STORED ☐ LEFT AT SCENE ☐ RELEASED AT SCENE ☐ HELD FINGERPRINTS ☐ PRINTED

LOST OR STOLEN PROPERTY (NOT FOR EVIDENCE)

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C. <input type="checkbox"/>	LATENT PRINTS
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03 304011			<input type="checkbox"/> L. DISABLED PHONE	

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S#	LAST, FIRST, MIDDLE	RACE	SEX	DOB	AGE	HT	WT	HAIR	EYES
	YAN, YONG	A	M	11-20-63		5-5	150	BLK	BRO
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34077 PASSO PARK DRIVE #67		FRAMONT, CA		94535	(916) 792-2284	PF#			
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE	PHOTO ID#			
UNEMPLOYED						NA			
DL NUMBER	STATE	SSN	CITY	CEN					
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HAIR STYLE					SCARS, MARKS, TATTOOS ETC.				
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<input type="checkbox"/> D. COLLAR					DESC:				
<input type="checkbox"/> E. CREW CUT					<input type="checkbox"/> ADD'L SEE NARRATIVE				
<input type="checkbox"/> F. LONG					CODE: S=SCARS M=MARKS P=PIERCING T=TATTOO MB=MISSING BODY				
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<input type="checkbox"/> E. SMALL									
<input type="checkbox"/> F. THIN									
COMPLEXION									
<input type="checkbox"/> A. ACNE/POCKED									
<input type="checkbox"/> B. DARK									
<input type="checkbox"/> C. FRECKLED									
<input type="checkbox"/> D. LIGHT									
<input type="checkbox"/> E. MEDIUM									
APPEARANCE									
<input type="checkbox"/> C. BODY ODOR									
<input type="checkbox"/> B. DISGUISE									
<input type="checkbox"/> A. UNKEMPT/DIRTY									
<input type="checkbox"/> D. WELL GROOMED									
<input type="checkbox"/> ADD'L SEE NARRATIVE									
<input type="checkbox"/> CIVIL	<input type="checkbox"/> CRIMINAL	<input type="checkbox"/> COMPLAINT REVIEW	<input type="checkbox"/> INFO ONLY	<input type="checkbox"/> AT LARGE	<input type="checkbox"/> URG	<input type="checkbox"/> SEE JUDGE	<input type="checkbox"/>		
S#	LAST, FIRST, MIDDLE	RACE	SEX	DOB	AGE	HT	WT	HAIR	EYES
ADDRESS		CITY/STATE		ZIP	PHONE	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER <input type="checkbox"/> VIETNAMESE			
						PF#			
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE	PHOTO ID#			
DL NUMBER	STATE	SSN	CITY	CEN					
CLOTHING					UNIQUE IDENTIFIERS (CIN)				
HAIR STYLE					SCARS, MARKS, TATTOOS ETC.				
<input type="checkbox"/> A. AFRO					CODE: LOC:				
<input type="checkbox"/> B. BALD/SHAVEN					DESC:				
<input type="checkbox"/> C. BRAIDED					CODE: LOC:				
<input type="checkbox"/> D. COLLAR					DESC:				
<input type="checkbox"/> E. CREW CUT					<input type="checkbox"/> ADD'L SEE NARRATIVE				
<input type="checkbox"/> F. LONG					CODE: S=SCARS M=MARKS P=PIERCING T=TATTOO MB=MISSING BODY				
<input type="checkbox"/> H. PONY TAIL									
<input type="checkbox"/> I. PUNK									
<input type="checkbox"/> J. SHORT									
SPEECH									
<input type="checkbox"/> A. ACCENT									
<input type="checkbox"/> B. LISP									
<input type="checkbox"/> C. STUTTER									
GLASSES									
<input type="checkbox"/> B. GLASSES									
<input type="checkbox"/> A. SUNGLASSES									
HANDS									
<input type="checkbox"/> LEFT									
<input type="checkbox"/> RIGHT									
CLOTHING									
<input type="checkbox"/> D. CAP/HAT									
<input type="checkbox"/> E. GLOVES									
<input type="checkbox"/> F. MASK									
BUILD									
<input type="checkbox"/> A. HEAVY									
<input type="checkbox"/> B. MEDIUM									
<input type="checkbox"/> C. MUSCULAR									
<input type="checkbox"/> D. POT BELLY									
<input type="checkbox"/> E. SMALL									
<input type="checkbox"/> F. THIN									
COMPLEXION									
<input type="checkbox"/> A. ACNE/POCKED									
<input type="checkbox"/> B. DARK									
<input type="checkbox"/> C. FRECKLED									
<input type="checkbox"/> D. LIGHT									
<input type="checkbox"/> E. MEDIUM									
APPEARANCE									
<input type="checkbox"/> C. BODY ODOR									
<input type="checkbox"/> B. DISGUISE									
<input type="checkbox"/> A. UNKEMPT/DIRTY									

REPORT TYPE / CLASSIFICATION Penal Code/Trespass	SUPPLIER TAL (CIRCLE)	PALO ALTO POLICE CONTINUATION	CASE NUMBER 03-351-0097
---	-----------------------	----------------------------------	----------------------------

1 Synopsis

2
3 A terminated employee returned to his former job site. The employee was previously
4 admonished from coming on the job site. The suspect was previously arrested for trespassing
5 after coming onto the job site. The suspect was on probation
6 arrest warrant was requested. 2 Au

8 Investigation

9
10 On 12-17-03 at about 1515 hours, Steve Belecky, came to PAPD to report a trespass. Belecky
11 represents security at the Hewlett Packard facility located at 1501 Pagemill Road.

13 Statement of Reporting Party Belecky

14
15 Belecky said that a former employee named Yong Yan was terminated on 06-15-03. Since that
16 time, the employee has returned to the campus at aying that he refused to
17 accept being terminated. Belecky said that the suspect was arrested twice by PAPD for
18 trespassing at HP. The suspect was placed on probation for Belecky said that
19 Yan returned to HP on 12-12-03 at about 0928 hours. Belecky said that a security manager
20 named Clay Lyon escorted Yan off of the campus on 12-12-03. Belecky provided me with a
21 copy of a written report prepared by Lyon.

23 Statement of Witness Lyon

24
25 According to Lyon's written statement, he contacted Yan in the lobby at 1501. Yan told him
26 that he was there to return some property. Yan didn't have an appointment. Lyon escorted Yan
27 from the premises. PAPD was called, but by the time PAPD responded that day, Lyon was off
28 duty.

30 Statement of Suspect Yah

31
32 I telephoned Yan for a statement, but could not reach him. A male with an accent answered the
33 phone. I asked for Yan and the male asked what it was about. I identified myself and told the
34 male that it was about Hewlett Packard. The male hung up on me. I called back and got the
35 same results.

41 Recommendation

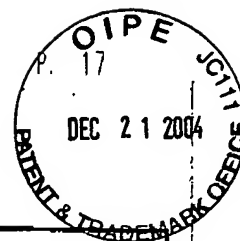
42
43 Prosecute Yan via complaint for 602 PC-trespassing.

OUTSTANDING NAME Sunseri	ID NUMBER S0130	DATE 12-17-03	SUPERVISOR REVIEW 	ID NUMBER 110045	DATE 12/17/03
PAGE. 3					



Invent

Hewlett-Packard San Francisco Bay Area Security Incident Report



Type of Incident: Trespassing -- Fourth Occasion		Report # PA 12-12-03-01
Victims: (Last, First - Company) Hewlett-Packard	Address: 3800 Hanover St. 94304	Phone: 650-852-8095
Reporting Party: (Last, First - Company) Noche Scott - Barton	Address: Same	Phone: Same

Date Reported:	12/12/03	Date/Time From:	12/12/03 0928 hours
Building/Pillar	Lobby 3	Date/Time To:	12/12/03 0950 hours

Loss: (Item #, Brand, Description, Model or HP Product #, Serial #, Age, Original Cost)
None

At 0928 hours, I, Clay Lyon, Day Shift Security Manager, received a call to go to Lobby 3, 1501 Page Mill Road, as terminated employee Yong Yan was at the lobby again trying to gain access. I was involved when Yong Yan was terminated on 6/10/03. It was necessary to have him arrested for trespassing to get him off campus. He returned 6/12/03 and was arrested again for trespassing. He also returned on 10/31/03 and was escorted off campus by Security.

At 0930 hours today, 12/12/03, I contacted Yong Yan at Lobby 3. I met him outside and then asked him if he had an appointment. He stated that no one would take his calls, so he came to return a printer. I reminded him that he had been instructed to stay off of HP property under the penalty of arrest. He asked for a receipt for the printer, an HP 'Deskjet' 648C. He had left it on the reception counter when he first arrived. Billie Ellison, Barton Administrative Manager, gave him a receipt as I walked him to his car. At 0950 hours he drove away and Security Unit 1, Bob Underwood, follow him until he passed Hanover. Billie Ellison notified the other lobbies to watch for Mr. Yan.

PAPD was called, but I was gone for the day when they called back and this report, and the attached supplement, wasn't relayed in writing by the Barton Swing Shift Security Manager.

Reporting Officer: Clay Lyon	Post: Shift Manager	Shift Manager: Clay Lyon
SHIFT MANAGERS ONLY		
Copies to: Client	Copies to: Security Supplier Mgmt:	Reviewed By: Clay Lyon Date: 12/12/03 Further Action: Report to PAPD
<input type="checkbox"/> HP Regional Sec Mgr. <input type="checkbox"/> HP Regional SOM <input checked="" type="checkbox"/> HP SOM <input type="checkbox"/> HP Property Mgr. <input type="checkbox"/> EH&S <input type="checkbox"/> Health Services <input type="checkbox"/> Legal	<input checked="" type="checkbox"/> I.R. Clipboard <input checked="" type="checkbox"/> Barton Investigations <input checked="" type="checkbox"/> Barton SOM <input type="checkbox"/> Barton Regional SOM Was situation handled within process? <input type="checkbox"/> Yes <input type="checkbox"/> No	Self Audit (See Note 3 if not applicable) Was emergency line answered correctly? Was overhead page made within process? Was Airsource page made within process? Was Mobile dispatched within process? Did Mobile have emergency equipment? Was 911 called within process? Was 911/Ambulance escorted to scene?
		HP Site Addresses (CU) 19423 Fremont Ave. 95014 (SU) 100 Kifer Rd. Sunnyvale, 94086 (GA) 4988 Great America Pkwy 95054 (MF) 100 Mayfield Ave. 94043 (MD) 690 E. Middlefield Rd. 94043 (PA) 3800 Hanover St. 94304 (SJ) 915 Story Road 95122

--HP Confidential--

Page 1 of 2

Supplemental Report

DATE: 12/17/03
TO: Palo Alto PD
FROM: Steve Belecky, Barton Protective Services Investigations Mgr. @ HP
RE: Fourth Trespass by Yong Yan, DOB 11/20/63

This an attachment to a Security Incident Report taken on 12/12/03, where there was some miscommunication on the part of the Barton Protective Services Shift Security Manager with PAPD with this chronic trespass subject.

A report was made to Agent Jackson of PAPD on 10/31/03, Yan's last trespass date, before last Friday, under PAPD case #03-304-0151. That report was forwarded by PAPD to the Santa Clara County DA's Office, Palo Alto, for a probation violation on the part of Yong Yan. Yan's sentence on the first two trespassing convictions prior to 10/31/03, included the condition that he, "STAY OFF THE PROPERTY OF HEWLETT PACKARD UNLESS INVITED." I contacted the D.A.'s office in Palo Alto today and they advised that they are filing for the 10/31/03 trespass at HP. They are filing PC 602 Trespassing and PC 166 Criminal Intent.

HP Security & Investigations Manager Bob Hedgpeth, (650) 857-2430, is requesting that this additional probation violation by Yong Yan also be forwarded to the D.A.'s office for review of charges also.

END OF REPORT

--HP Confidential--

Page 2 of 2

From: TURNER, TIFFANY (HP-PaloAlto,ex1) [tiffany.turner@hp.com]
Sent: Monday, January 12, 2004 2:04 PM
To: Yong Yan
Subject: RE: Signature required

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged
Hello Yong,

I hope your holiday's were pleasant.

Can you please let me know when your able to come sign the documents as previously discussed?

Thanks in advance for your assistance!
Tiffany

Tiffany Turner
Legal Administrator
Corporate Legal Department
Intellectual Property Section
Hewlett-Packard Company
650 557 3288 (Phone)
650 552 8063 (Fax)

"Yesterday's the past, tomorrow's the future. Today's a gift, that's why we call it the present."

-----Original Message-----

From: Yong Yan [mailto:yong-yan@comcast.net]
Sent: Friday, December 05, 2003 12:29 PM
To: TURNER, TIFFANY (HP-PaloAlto,ex1)
Subject: RE: Signature required

Hi, Tiffany,

I can come in next Monday. Please let me know which building you are in and what is the best time for you.

Happy Holidays!

Thanks!

Yong

-----Original Message-----

From: TURNER, TIFFANY (HP-PaloAlto,ex1) [mailto:tiffany.turner@hp.com]
Sent: Friday, December 05, 2003 10:16 AM
To: 'Yong Yan'
Subject: RE: Signature required
Importance: High

Hello Yong,

HAPPY HOLIDAYS!

Please let me know when you are available to meet here at HP to sign the documents as previously discussed.

Exhibit E

file://A:\RE%20Signature%20required%20(2).htm

4/22/2004



Thank you for your time and I look forward to meeting you.

*Regards,
Tiffany*

*Tiffany Turner
Legal Administrator
Corporate Legal Department
Intellectual Property Section
Hewlett-Packard Company
650 857 5288 (Phone)
650 852 8063 (Fax)*

"Yesterday's the past, tomorrow's the future. Today's a gift, that's why we call it the present."



Sent: Thursday, February 05, 2004 11:05 AM
To: yong-yan@comcast.net
Cc: Turner, Tiffany
Subject: Signature required

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged
Hello Mr Yan,



I have numerous requests to you regarding pertinent documents that need your signature.

Please let me know what method of delivery you require (i.e., first class mail with prepaid envelope enclosed, fed-ex delivery with prepaid enclosed, or, per our previous email conversations, in person at HP, etc) and I will be happy to comply with your request.

Thanks in advance for your assistance.

*Regards,
Tiffany*

*Tiffany Turner
Legal Administrator
Corporate Legal Department
Intellectual Property Section
Hewlett-Packard Company
650 537 5288 (Phone)
650 532 5063 (Fax)*

"Yesterday's the past, tomorrow's the future. Today's a gift. That's why we call it the present."

x]

Exhibit F



Hewlett-Packard Company
1501 Page Mill Road
ms. 1197
Palo Alto, CA 94304

February 19, 2004

VIA EXPRESS MAIL

Yong Yan
34077 Paseo Padre Parkway
#69
Fremont, CA 94555

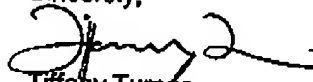
Re: Signature Request on Pertinent HP Documents

Dear Yong,

I have sent numerous requests to you regarding the attached HP Declaration and Assignment, which remained unanswered by you.

Per our previous email communications, you agreed to meet with me here at HP to execute the necessary documents. Because we incur significant fee's, that HP must pay for, when delay's occur in submitting these documents, I'd like to ask you to help minimize these fee's and act upon this immediately.

Sincerely,



Tiffany Turner
HP Legal Assistant

Enclosure

Exhibit G

NO. 6917 P. 23



EV 104130967 US



UNITED STATES POSTAL SERVICE.

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)		DELIVERY (POSTAL USE ONLY)	
POST Code <div style="font-size: 1.2em; font-family: cursive;">45102</div>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input checked="" type="checkbox"/>	Delivery Address Name Day <input type="checkbox"/> AM <input type="checkbox"/> PM
Days In Transit <div style="font-size: 1.2em; font-family: cursive;">3 to 4</div>	<input checked="" type="checkbox"/> 1st class <input type="checkbox"/> 3rd	Postage <div style="font-size: 1.2em; font-family: cursive;">\$ 0</div>	Delivery Address Name Day <input type="checkbox"/> AM <input type="checkbox"/> PM
Time In Transit <div style="font-size: 1.2em; font-family: cursive;">1840</div>	<input type="checkbox"/> AM <input type="checkbox"/> PM	Return Receipt Fee <input type="checkbox"/>	Delivery Date Time <input type="checkbox"/> AM <input type="checkbox"/> PM
Weight <div style="font-size: 1.2em; font-family: cursive;">29</div>	<input type="checkbox"/> 1st Day <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	COD Fee Insurance Fee	Employee Signature <div style="font-size: 1.2em; font-family: cursive;">[Signature]</div>
No-Delivery <input type="checkbox"/> Forward <input type="checkbox"/> Holiday	Int'l Alpha Country Code <div style="font-size: 1.2em; font-family: cursive;">181</div>	Total Postage & Fees <div style="font-size: 1.2em; font-family: cursive;">\$ 13.65</div>	Employee Signature <div style="font-size: 1.2em; font-family: cursive;">[Signature]</div>
EXTRANEAL USE ONLY METHOD OF PAYMENT Customer Mail Corporate Acct. No. <div style="font-size: 1.2em; font-family: cursive;">X940573</div>		Facility Agency Acct. No. or Postal Service Acct. No.	
FROM: PLEASE PRINT NAME () <div style="font-size: 1.2em; font-family: cursive;"> MCLETT-PACKARD COMPANY 12 LEGAL DEPARTMENT 1501 PAGE MILL RD # 1197 ALCO ALTO CA 94504-1125 </div>		TO: PLEASE PRINT PHONE () <div style="font-size: 1.2em; font-family: cursive;"> YONG YAN 34077 PASEO PADRE PKWY #69 FREMONT, CA 94555 </div>	
LTJT /200208236-1		POSTAGE WILL BE PAID BY ADDRESSEE	

USPS - Track & Confirm

Page 1 of 1



Track & Confirm

Shipment Details

You entered EV10 4130 987U S

Your item was delivered at 5:57 pm on February 23, 2004 in FREMONT, CA 94555. The item was signed for by Y YAN.

Here is what happened earlier:

- NOTICE LEFT, February 21, 2004, 9:16 am, FREMONT, CA 94536
- ARRIVAL AT UNIT, February 21, 2004, 7:35 am, FREMONT, CA 94537
- ENROUTE, February 21, 2004, 1:20 am, OAKLAND, CA 94615
- ACCEPTANCE, February 20, 2004, 6:40 pm, SAN JOSE, CA 95102
- ENROUTE, February 20, 2004, 5:21 pm, SAN JOSE, CA 95101

Notification Options

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- ▶ Request Proof of Delivery [What is this?](#) [Go >](#)

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



From: Yong Yan (yong-yan@comcast.net)
Sent: Tuesday, April 13, 2004 2:49 PM
To: Turner, Tiffany
Subject: RE:
Hi, Tiffany,

If the time is important, it is better for me to come to pick up on my working day there.
Please let me know where your location is. I will check my schedule here.

Thanks!

Yong

-----Original Message-----

From: Turner, Tiffany [mailto:tiffany.turner@hp.com]
Sent: Thursday, April 08, 2004 1:35 PM
To: yong-yan@comcast.net
Cc: Jones, Wendell J.
Subject:
Importance: High

Hello Yong,

This email is to inform you of a very important letter and attachments being sent to you on behalf of Hewlett-Packard Company.

As a named inventor in the mentioned HP application, your signature is required on the inventor's Declaration and Assignment documents. In accordance with the Hewlett-Packard Employment Agreement, you obligated to provide the aforementioned signature. At this time we would like to stress the urgent nature of this particular matter.

If you have any questions or concerns, please contact Wendell Jones at: 650 857 7453 or myself immediately.

Regards,

Tiffany Turner
Legal Administrator
Corporate Legal Department
Intellectual Property Section
Hewlett-Packard Company
650 857 5288 (Phone)
650 857 5465 (Fax)

"Yesterday's the past, tomorrow's the future. Today's a gift, that's why we call it the present."

x

Exhibit H

file://A:\RE%20.htm

4/22/2004



Hewlett-Packard Company
1501 Page Mill Road
ms 1197
Palo Alto, CA 94304

VIA CERTIFIED MAIL

April 8, 2004

Yong Yan
34077 Paseo Padre Parkway
#69
Fremont, CA 94555

Re: Signature Request on Pertinent HP Documents

Dear Mr. Yang,

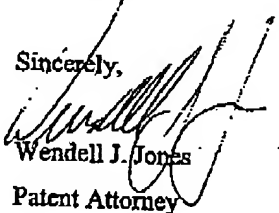
Enclosed are the Declaration and Assignment associated with Hewlett-Packard patent application 10/632403 entitled "*Fortuitous Combinations Of AD-HOC Available Sets Of Different Electronic Devices To Respond To User Jobs*". For your reference, a full copy of the text of the application and drawings as filed is also enclosed.

As a named inventor in this application, your signature is required on the inventor's Declaration and Assignment documents. In accordance with the Hewlett-Packard Employment Agreement, you are obligated to provide the aforementioned signature. At this time I would like to stress the urgent nature of this particular matter.

A self-addressed stamped envelope is enclosed for the express purpose of expeditiously bringing this matter to an end. Please sign the Declaration and Assignment documents and return these documents to Hewlett-Packard immediately.

Thank you in advance for your cooperation.

Sincerely,


Wendell J. Jones

Patent Attorney

Exhibit I



US Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only. No insurance or postage included.)
 For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65

Sent To: **YONG YAN**
 Street, Apt. No.,
 or PO Box No. **36077 PASEO PADRE PKWY, #6**
 City, State, ZIP+4 **FREMONT, CA 94555**

PAID TO CALIFORNIA OFFICE
 POSTMARK
 DEC 6 - JAN 6

Palo Alto Main Post Office
 PALO ALTO, California
 943039998
 0567830190-0096
 04/09/2004 (800)275-8777 04:33:20 PM

Product Description	Sale Qty	Unit Price	Final Price
FREMONT CA 94555			\$0.60
First-Class			
Return Receipt			\$1.75
Certified			\$2.30
Label Serial #: 70031010000083688038			
Customer Postage			\$4.65
Subtotal:			\$0.00
Total:			\$0.00

Paid by:

Bill #: 1000401532600
 Clerk: 12

— All sales final on stamps and postage. —
 Refunds for guaranteed services only.
 Thank you for your business.
 Customer Copy

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Operations and is not part of the Official Record**

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